

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	Nos. 1:19-bk-04714-HWV
FOX SUBACUTE AT	:	1:19-bk-04716-HWV
MECHANICSBURG, LLC, FOX	:	1:19-bk-04717-HWV
SUBACUTE AT CLARA BURKE,	:	1:19-bk-04715-HWV
INC., FOX SUBACUTE AT	:	
SOUTH PHILADELPHIA, LLC,	:	
and FOX NURSING HOME CORP.	:	Chapter 11
d/b/a FOX SUBACUTE AT	:	
WARRINGTON	:	
	:	
Debtors	:	

**APPLICATION FOR ORDER
UNDER FED. R. BANKR. P. 1015
FOR JOINT ADMINISTRATION OF CASES**

Fox Subacute at Mechanicsburg, LLC, Fox Subacute at Clara Burke, Inc., Fox Subacute at South Philadelphia, LLC and Fox Nursing Home Corp. d/b/a Fox Subacute at Warrington Debtors and Debtors-In-Possession in the above captioned cases, (individually a “Debtor” and collectively the “Debtors”), hereby apply for an order under Fed. R. Bankr. P. 1015 allowing for and authorizing the joint administration of the Debtors’ Chapter 11 cases and the consolidation thereof for procedural purposes only as follows:

1. On November 1, 2019, Petitions under Chapter 11 of the United States Bankruptcy Code was filed by each of the above Debtors (the “Petition Date”).
2. The Debtors manage their respective assets and properties and operate their businesses as Debtors-In-Possession.

3. No Creditors' Committee has yet been appointed in these cases by the United States Trustee.

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue herein is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

5. The predicate for the relief requested herein is Rule 1015 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

6. All of the Debtors are in the healthcare business.

7. The majority equitable ownership of the Debtors are in common.

8. The management of each of the Debtors is in common.

9. The major secured creditor of the Debtors is Peoples Bank.

10. Such Bank granted one (1) line of credit note to all four (4) Debtors in the amount of \$5,500,000.00.

11. Many of the unsecured creditors are the same in all four (4) of the Cases.

12. Bankruptcy Rule 1015(b) provides for joint administration of estates where two or more petitions are pending by or against a debtor or its affiliate. Because of the commonality in ownership of the Debtors, it is believed that the Debtors are affiliates as such is defined in the Bankruptcy Code. Accordingly, joint administration of the Debtors' estates is appropriate.

13. The joint administration of these affiliated Debtors' Chapter 11 cases will permit the Clerk of the Court to utilize a single general docket for these cases and reduce the volume of paper that would otherwise be filed with the Clerk's Office and simplify

administration of the cases. It is believed that no parties in interest or creditors will be prejudiced. This is not a motion for substantive consolidation. Further, the granting of joint administration will relieve the Court of the burden of entering duplicative orders and keeping duplicative files.

14. The Debtors request that the official caption to be used by all parties in all pleadings in the jointly administered cases be as follows:

IN RE:	:	Case No. 1:19-bk-04714-HWV
FOX SUBACUTE AT	:	
MECHANICSBURG, LLC, FOX	:	Chapter 11
SUBACUTE AT CLARA BURKE,	:	
INC., FOX SUBACUTE AT SOUTH	:	
PHILADELPHIA, LLC AND FOX	:	
NURSING HOME CORP. d/b/a FOX	:	
SUBACUTE AT WARRINGTON	:	
	:	
Debtors	:	

15. The relief requested herein has not been previously made to this Court or any other Court.

WHEREFORE, it is respectfully requested by the above Debtors that the Court enter an order providing for the joint administration of these cases pursuant to Fed. R.

Bankr. P. 1015 and granting the Debtors such other and further relief as is just and proper.

Respectfully submitted,

CUNNINGHAM, CHERNICOFF
& WARSHAWSKY, P.C.

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Dated: November 1, 2019